

Notice of Allowability

Application No.

09/151,666

Examiner

Susanna M. Diaz

Applicant(s)

SEAL ET AL.

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's response filed December 6, 2005.
2. ☒ The allowed claim(s) is/are 5,6,8-15 and 43-52.
3. ☒ The drawings filed on 11 September 1998 and 11 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

SUSANNA M. DIAZ
PRIMARY EXAMINER

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Kuester (Reg. No. 34,367) on May 11, 2005.

The application has been amended as follows:

Please see appendix labeled "Examiner's Amendment."

Reasons for Allowance

2. Claims 5, 6, 8-15, and 43-52 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is BellSouth's Job Management Operation System (JMOS). As admitted by Applicant on page 3 of the response filed May 24, 2004, JMOS fails to disclose the details of a bidding process and the details of supervisory approval for billing variations. More specifically, JMOS discloses the job entry application, scheduling application, materials management application, and the interface for receiving updates (as recited in independent claim 5), further supported by Applicant's submission of the JMOS manual as Appendix A of the response filed May 24, 2004; however, JMOS does not expressly teach the incorporation of "a bid and award application executed by a computer for generating bid packages for a job and for receiving completed bids, wherein the bid and award application stores at least one previous bid that was made on the job and awards the job based on the at least one previous bid" and an interface, "wherein the interface includes a billing and reporting application for receiving input from the contractor as to completed tasks and billings, wherein if the billings vary from a billing expectation of the system, the variations are sent by the billing and reporting application to a supervisor for approval, wherein upon approval of the supervisor or no variations, the billing and reporting application prepares an invoice for payment." While these features are separately old and well-known in the art, the Examiner submits that the incorporation of the combination of all of the recited

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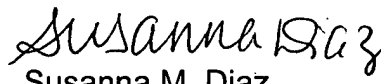
features into one system for managing a single job (e.g., as part of the JMOS system) is not taught or suggested by the prior art of record; therefore, claim 5 and dependent claims 6 and 8-15 are deemed to be allowable over the prior art of record. Independent claim 43 recites a method claim corresponding to the same computer-executed functionality recited in claim 5; therefore, claim 43 and dependent claims 44-52 are deemed to be allowable over the prior art of record for the same aforementioned reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susanna M. Diaz
Primary Examiner
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December 15, 2005